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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,632	12/05/2001	Aki Kusuyama	Q67267	8156

7590 08/20/2003
Sughrue Mion Zinn Macpeak & Seas
2100 Pennsylvania Avenue N W
Washington, DC 20037

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EXAMINER

HAMPTON HIGHTOWER, PATRICIA

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/980,632	Applicant(s) KUSUYAMA, AKI	
	Examiner Patricia Hightower	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claims Previously Allowed, Now Rejected, New Art

The indicated allowability of claims 1-4 is withdrawn in view of the newly discovered reference(s) to Frauenglass (USP 4,262,106) and Matsuda (USP 3,933,748). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are newly rejected under 35 U.S.C. 102(b) as being anticipated by Frauenglass (USP 4,262,106).

Frauenglass (USP 4,262,106) discloses a stable and anaerobic composition capable of greater speed cure by removing from the composition at least a substantial portion of the metal contamination comprising the (a) a free-radical polymerizable monomer (acrylates and methacrylates), (b) a redox activated latent initiator (organic peroxides), capable of polymerizing the monomer of (a), organic sulfimides as accelerators, which is incorporated into the composition to obtain rapid cure or to produce greater speed of cure, and treating agents such as sodium salts of weak acids such as citric, oxalic, stearic, phosphoric acids; anticipates the claimed anaerobically curable composition comprising four components; (a) a monomer such as acrylates or methacrylates, (b) an organic peroxide, (c) o-benzoic sulfimide (= saccharin) and (d) a salt (Na, K or Ca salt of weak acidic substances). See abstract; col. 1, lines 41-68; col.

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2, lines 1-25, 40-50, 55-63; col. 3, lines 35-68; col. Lines 1-11, 17, 28-42, 43-44, 57-68; col. 5, lines 1-26, 27-31, 41-49, 50-57, 60-61; col. 6, lines 1-16, 17-43, 50-68; col. 7, lines 1-50, 51-68; col. 8, lines 1-17, 18-23, 28-37, 52-68; col. 9, lines 1-2, 12-64; col. 10, lines 1-20, 25-40, 51-55, 65-68; Examples I-XI; claims 1-2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are newly rejected under 35 U.S.C. 103(a) as being unpatentable over Frauenglass (USP 4,262,106) or Matsuda USP 3,933,748).

Frauenglass (USP 4,262,106) discloses a stable and anaerobic composition capable of greater speed cure by removing from the composition at least a substantial portion of the metal contamination comprising the (a) a free-radical polymerizable monomer (acrylates and methacrylates), (b) a redox activated latent initiator (organic peroxides), capable of polymerizing the monomer of (a), organic sulfimides as accelerators, which is incorporated into the composition to obtain rapid cure or to produce greater speed of cure, and treating agents such as sodium salts of weak acids such as citric, oxalic, stearic, phosphoric acids. See abstract; col. 1, lines 41-68; col. 2, lines 1-25, 40-50, 55-63; col. 3, lines 35-68; col. Lines 1-11, 17, 28-42, 43-44, 57-68; col. 5, lines 1-26, 27-31, 41-49, 50-57, 60-61; col. 6, lines 1-16, 17-43, 50-68; col. 7,

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lines 1-50, 51-68; col. 8, lines 1-17, 18-23, 28-37, 52-68; col. 9, lines 1-2, 12-64; col. 10, lines 1-20, 25-40, 51-55, 65-68; Examples I-XI; claims 1-2.

Frauenglass teaches some of the components in the Markush groups of salts of weak acidic substances as claimed in the instant claims 1 or 4; but not all.

Matsuda teaches the anearobically curable composition comprising (a) an acrylate or methacrylate monomer, including hydroxyalkyl esters of methacrylic or acrylic acids, (b) an organic peroxide, (c) benzosulfimide and (d) a polyvalent metal salt (Ca) of a carboxylic acid. See abstract; col. 1, lines 5-68; col. 2, lines 1-68; cols. 3-4; the examples; claims 1-4.

Although the references do not teach each and every member of the Markush groups (salts or the acidic substances), the references teach at least some of them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to follow the teachings of the references and claim essentially the same compositions comprising the acrylate or methacrylate monomer and hydroxyalkyl esters, an organic peroxide and o-benzosulfimide and include a "treating agent" such as sodium or calcium salt of the weak carboxylic acids.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Hightower whose telephone number is (703) 308-2434. The examiner can normally be reached on M-F from 9:30 A.M. - 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

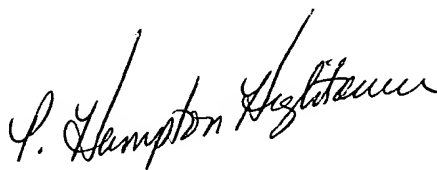
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872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



P. Hightower:ph
August 6, 2003

P. Hampton-Hightower
Primary Examiner
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